

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

John Ray Dowdle,)	
)	C/A No. 6:10-0031-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Ms. Christie Quinn and Capt. Harold)	
Crocker,)	
)	
Defendants.)	
_____)	

Plaintiff John Ray Dowdle is an inmate in custody of the South Carolina Department of Corrections who at the time of the underlying events was housed at the Cherokee County Detention Center in Gaffney, South Carolina. Plaintiff, proceeding pro se, filed this action on January 13, 2010, alleging that Defendants denied him access to the courts and tampered with his mail in violation of his constitutional rights. Thus, Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

This matter is before the court on motion for summary judgment filed by Defendants on April 1, 2010 (Entry 17). By order filed April 2, 2010, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedures and the possible consequences if he failed to respond adequately. Plaintiff filed a response in opposition to Defendants' motion on April 22, 2010.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling. On September 8, 2010, the Magistrate Judge issued a Report of Magistrate Judge in which he recommended that Defendants' motion for summary judgment be granted. Plaintiff filed no objections to the Report of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and adopts the Report of Magistrate Judge and incorporates it herein by reference. Defendants’ motion for summary judgment (Entry 17) is **granted**, and the case dismissed

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

October 4, 2010

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.